

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON**

UNITED STATES OF AMERICA,

Plaintiff,

:

Case No. 3:10-cr-039

Also 3:11-cv-236

- vs -

District Judge Thomas M. Rose

Magistrate Judge Michael R. Merz

CHUKWUEMMEKA O. EZIOLISA,

Defendant.

:

ORDER

This case is before the Court on Defendant's Motion to Vacate Magistrate Judge's R&R for Lack of Service upon Movant Eziolisa (Doc. No. 84). In the Motion, Eziolisa complains he never received a copy of the Magistrate Judge's initial Report and Recommendations in this case (Doc. No. 80).

The docket of the case reflects that the Clerk mailed a copy of the Report and Recommendations to Eziolisa by regular mail on the date it was filed, February 18, 2015. No return mail has been received by the Court from the United States Postal Service, so the Court cannot account for why it was not received. The Clerk is ORDERED to furnish Eziolisa with a copy of the Report and Recommendations forthwith and docket the fact of mailing.

On March 11, 2015, the Magistrate Judge issued a Supplemental Report and Recommendations (Doc. No 83) which Eziolisa does not acknowledge receiving as yet, although

he does acknowledge receiving Judge Rose's Recommittal Order (Doc. No. 82) which was filed and mailed the previous day. In the Supplemental Report, the Magistrate Judge dealt with the arguments made in Ezolisa's Reply Brief on the merits.

To ensure Ezolisa has adequate time to respond to both Reports, his time to file objections to both of them is extended to and including April 15, 2015. The Motion to Vacate is DENIED.

March 23, 2015.

s/ *Michael R. Merz*
United States Magistrate Judge